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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 LORENZO TUCKER III,

Case No. 2:18-cv-01014-APG-GWF

7 Plaintiff,

**FINDINGS AND RECOMMENDATION**

8 v.

9 CAROLYN ELLSWORTH, *et al.*,

10 Defendants.

11 This matter is before the court on Plaintiff's failure to comply with the court's Order (ECF  
12 No. 5). This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB  
13 1-4 of the Local Rules of Practice.

14 Plaintiff is proceeding in this action *pro se* and he submitted a complaint on June 4, 2018.  
15 *See* Compl. (ECF No. 1-1). The court issued a Screening Order (ECF No. 3) denying Plaintiff's  
16 application to proceed *in forma pauperis* as incomplete and screening the complaint pursuant to  
17 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's complaint failed to state a valid claim.  
18 On November 2, 2018, the Court instructed Plaintiff to file his amended complaint and complete  
19 application to proceed *in forma pauperis* by no later than December 3, 2018. ECF No. 4. The  
20 Order warned Plaintiff that a failure to file an amended complaint addressing the deficiencies  
21 explained by the court would result in a recommendation to the district judge that this case be  
22 dismissed. *Id.*

23 On January 9, 2019 the Court issued an Order to Show Cause (ECF No. 4) directing  
24 Plaintiff to "show cause, in writing, no later than **February 1, 2019** why his matter should not be  
25 dismissed for failure to file an amended complaint." ECF No. 5. The Court again warned Plaintiff  
26 that failure to timely respond to the order would result in a recommendation to the district judge  
27 that this case be dismissed. To date, Plaintiff has not filed an amended complaint, requested an  
28

1 extension of time, or taken any other action to prosecute this case. Accordingly,

2 **IT IS RECOMMENDED** that Plaintiff's Complaint (ECF No. 1-1) be DISMISSED.

3 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close  
4 the case and enter judgment accordingly.

5 Dated this 19th day of February, 2019.

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8 GEORGE FOLEY, JR.  
UNITED STATES MAGISTRATE JUDGE

9 **NOTICE**

10 This Report of Findings and Recommendation is submitted to the assigned district judge  
11 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for  
12 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the  
13 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local  
14 Rules of Practice, any party wishing to object to a magistrate judge's findings and  
15 recommendations of shall file and serve *specific written objections*, together with points and  
16 authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C.  
17 § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate  
18 Judge's Report of Findings and Recommendation," and it is subject to the page limitations found  
19 in LR 7-3(b). The parties are advised that failure to file objections within the specified time may  
20 result in the district court's acceptance of this Report of Findings and Recommendation without  
21 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition,  
22 failure to file timely objections to any factual determinations by a magistrate judge may be  
23 considered a waiver of a party's right to appellate review of the findings of fact in an order or  
24 judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th  
25 Cir. 1991); Fed. R. Civ. Pro. 72.